

ADVISORY OPINION 92-003

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121.135(4).

September 16, 1992

Hon. Alfred C. Knight
Senior Attorney
Westvaco
Westvaco Building
229 Park Avenue
New York, NY 10171

Dear Mr. Knight:

You have requested an advisory opinion from the Registry of Election Finance to clarify several provisions contained in Senate Bill 221 enacted by the 1992 General Assembly. Below please find that opinion.

1. (RE: \$200 annual registration fee). May this fee be paid by the corporate sponsor of the PPP, as is authorized under federal law, or must it be paid out of contributions collected by the PPP?

Because federally registered PACs appear to be dealt with separately in KRS 121.170(6), our office has requested an Opinion of the Attorney General regarding application of the \$200 registration fee requirement to federally registered PACs. We will forward that opinion to you as soon as it is received.

2. (RE: \$500 cap on contributions, effective January 1, 1993). Will you confirm that this contribution limit does not apply to the executive and administrative personnel's contributions paid in to the PPP, although it does apply to contributions from the PPP to Kentucky candidates and their permanent committees? Yes.
3. (RE: \$4,000 aggregate individual cap.) Does this not apply only to state-level contributions? KRS 121.150(10) states that "No person shall contribute more than four thousand dollars (\$4,000) to all permanent committees and contributing organizations in any one (1) years." Since no distribution is made between in-state and out-of-state permanent committees, it appears that the statute on its face limits and individual from contributing more than \$4,000 to all PACs, inclusive of in-state and out-of-state organizations.
4. (RE: 5% administrative fee). What is the measuring point in the time here? KRS 121.180(6)(b) provides as follows:

A permanent committee shall pay an administrative fee to the registry in an amount equal to five percent (5%) of the expenditures, including independent expenditures, the permanent committee makes in support of or opposition to all candidates or slates of candidates for office. The payment for the administrative fee shall accompany each report a permanent committee

makes to the registry which documents expenditures in support of or defeat of any candidate or slate of candidates during the reporting period covered by the report. The amount of administrative fees received by the registry from permanent committees for each reporting period shall be transferred to the State Treasurer for deposit in the election campaign fund established by Section 2 of this Act.

The 5% administrative fee is to be submitted with each report filed with the Registry, applied to the expenditures made during that reporting period. Please note that this subsection of the bill does not become effective until January 1, 1993.

5. (Same 5% provision). Are not expenditures to Kentucky federal candidates exempted? Yes.

Sincerely,

Timothy E. Shull
General Counsel
Registry of Election Finance

Addendum to WESTVACO request. This is in response to your additional request received August 26, 1992. KRS 121.170(6) sets out the reporting requirements applicable to federally registered out-of-state PACs. That subsection specifically provides that any federally registered out-of-state PAC that contributes to a Kentucky candidate shall:

- a. File with the Registry a copy of its federal registration (Federal Election Commission Form 1-Committee Registration Form);
- b. File with the Registry a copy of the Federal Election Commission finance report when a contribution is made to a Kentucky candidate; and
- c. Contribute not more than the maximum amount permitted for a permanent committee to make under Kentucky law to any candidate for any office in this Commonwealth.

It is the opinion of the Registry that the reports requirement in KRS 121.180(6) does not apply to a federally registered out-of-state PAC.

Timothy E. Shull
General Counsel
Registry of Election Finance